

REMARKS/ARGUMENTS

Claims 13-16 currently appear in this application. The Office Action of July 15, 2003, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicants respectfully request favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Support for new claims 15 and 16 comes from the specification as filed at page 16, paragraph 0049, in which it is stated that SP22 localizes over a very discrete region of the sperm head, namely, the ventral anterior surface of the equatorial segment.

Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagakubo et al. Nagakubo et al. are said to teach a polyclonal antibody to protein DJ-1, which the Examiner alleges is homologous to SEQ ID NO:3.

This rejection is respectfully traversed. Submitted herewith is the declaration of Dr. Klinefelter stating that, unlike the peptides claimed herein, the DJ-1 antibody does not recognize the sperm molecule. It can readily be seen from this declaration that commercial DJ-1 antibody failed to localize SP22 on the surface of rat

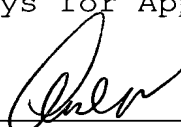
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Reply to Office action of July 15, 2003

or human sperm, while the SP22 antibody of the present invention recognizes SP22. Thus, it is respectfully submitted that Nagakubo et al. do not anticipated the present invention, because the antibodies are not the same.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,

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